

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDY LASHAWN FORTNER,

Plaintiff,

v.

LAKE COUNTY JAIL, et al.,

Defendants.

Case No. [25-cv-02506-HSG](#)

ORDER OF DISMISSAL


Plaintiff has filed a *pro se* action pursuant to 42 U.S.C. § 1983. On May 6, 2025, the Court dismissed the complaint for failure to state a claim, and granted Plaintiff leave to file a first amended complaint that addressed the identified deficiencies. Dkt. No. 21. On May 15, 2025, Plaintiff filed two amended complaints. Dkt. Nos. 22, 23. The Court instructed Plaintiff there could only be one operative complaint, and ordered Plaintiff to, by June 20, 2025, inform the Court whether he intends for Dkt. No. 22 or Dkt. No. 23 to be the operative complaint. Dkt. No. 24. The Court further noted that both Dkt. No. 22 and Dkt. No. 23 failed to state a cognizable claim for relief, failed to identify a federal law or federal constitutional provision that had been violated, and violated Fed. R. Civ. P. 20's joinder rule. Dkt. No. 24. The Court cautioned Plaintiff that failure to respond by the deadline would result in dismissal of this action without further notice. *Id.*

The deadline has passed, and Plaintiff has not informed the Court which pleading is intended to be the operative complaint, and has not otherwise communicated with the Court. There is therefore no operative complaint in this action. Accordingly, the Court DISMISSES this action for failure to state a claim and for failure to comply with a court order. The dismissal is without prejudice to filing a motion to reopen, accompanied by a proposed amended complaint

that addresses the deficiencies identified in the Court's May 6, 2025 Order. Judgment is entered in favor of Defendants and against Plaintiff. The Clerk is directed to close the file.

IT IS SO ORDERED.

Dated: 7/14/2025


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California